UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/Q/JAM/1
18 May 2001

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional Working Group
14-18 May 2001

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the second periodic report of JAMAICA concerning the rights referred to in articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.28)

I. GENERAL INFORMATION

1. Please provide information on the legal status of the International Covenant on Economic, Social and Cultural Rights in Jamaica. To what extent can the rights provided for in the Covenant be invoked before the courts? Please cite specific cases, if any.

2. From the point of view of the State party, what has been its most significant achievement in the field of economic, social and cultural rights since its last report?

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

3. What measures has the State party undertaken to address the detrimental effects of structural adjustment programmes on the enjoyment of economic, social and cultural rights, especially by the most vulnerable sectors of Jamaican society (para. 9 of the core document, HRI/CORE/1/Add.82)?

GE.01-42372 (E) 290501

4. Please provide information on the extent to which sex discrimination is prohibited by law and how this law is implemented in practice. In this regard, what is the status of the proposed establishment of a commission on gender and social equity referred to in paragraph 5 of the report? In addition, please discuss in concrete terms the progress achieved towards the equality of men and women as a result of the legislative changes cited in paragraph 7 of the report.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6 - The right to work

5. Please discuss in greater detail the impact of emigration on the labour force in Jamaica, (paras. 6 and 7 of HRI/CORE/1/Add.82).

6. What concrete steps has the State party taken to address the under-representation of women in higher-paying occupations and professions? Has there been any progress that can be attributed to these steps?

7. Please provide updated information on unemployment and underemployment, including statistics disaggregated by sex and age.

Article 7 - The right to just and favourable conditions of work

8. To what extent does the "National Minimum Wage" ensure a decent living for workers and their families as provided for in the Covenant?

9. What is the extent of the problem of sexual harassment in the workplace in Jamaica? What recourse procedures exist for victims of sexual harassment?

10. Please discuss comparative income of employees in the public and private sectors taking into account both remuneration and non-monetary benefits.

11. What measures has the State party undertaken to remedy the rising incidence of fatalities from industrial accidents and injuries in the work place (para. 57 of the report)? In this regard, please explain why the State party has not yet ratified ILO Convention No. 174 on the Prevention of Major Industrial Accidents of 1993.

Article 8 - The right to form and join trade unions

12. Paragraph 58 of the report refers to a review by the Labour Market Reform Committee conducted in March 1996 of the Labour Relations and Industrial Disputes Act. Please provide detailed information on the findings and recommendations of the review, and on the State party's response to this review.

13. What is the status of the efforts made towards enshrining the right to strike in the Jamaican Constitution as mentioned in paragraph 65 of the report?

Article 9 - The right to social security

14. Please indicate the policy measures taken by the State party to implement, to the maximum of its available resources, the right to social security for those who are in the informal sector, and in particular women, persons with disabilities and older persons. In this regard, please indicate what percentage of the State party's GNP is allocated for social security.

Article 10 - Protection of the family, mothers and children

15. Please discuss the extent of the problem of child labour in Jamaica, particularly in the informal sector.

16. What were the priority issues embodied in the Kingston Accord on children and their families in 1996 (para. 76 of the report)? What progress has been achieved in addressing these issues in relation to protecting and assisting the family as provided for in the Covenant?

17. Please provide detailed information on the situation of the boy child, particularly with regard to employment and education, and on measures being taken by the State party to address the problems.

18. Please provide information on the incidence of violence against women and children in and outside the home, and on measures adopted by the State party to address the problem.

19. To what extent does the Maintenance Law provide protection to a common-law wife (para.72 of the report)?

20. Please provide information about the situation of older persons in the State party and the measures undertaken by the State party for their protection.

Article 11 - The right to an adequate standard of living

21. Using the computation referred to in paragraph 120 of the report, please provide specific information on the number of:

(a) Households living below the household poverty line;

(b) Households living below the household poverty line that are headed by women;

(c) Individuals living below the individual poverty line disaggregated by sex and age; and

(d) Employed individuals living below the poverty line.

22. Please provide statistical information on hunger and/or malnutrition in the State party. Aside from the Food Stamp Programme mentioned in paragraph 118 of the report, please indicate what other strategies are in place for the realization of the right to food, especially for the most vulnerable groups in society.

23. Please provide detailed information on the housing situation in Jamaica. In particular, please indicate the number of:

(a) Homeless individuals and families throughout Jamaica;

(b) Individuals and families who live in housing that is inadequate, as defined by the Committee's General Comment No. 4 on the right to adequate housing;

(c) Persons classified as living in "illegal" settlements or housing; and,

(d) Persons evicted from their homes within the last 5 years.

24. Please provide information on the existence of laws affecting the realization of the right to adequate housing including legislation concerning security of tenure - as defined in the Committee's General Comment No. 7 on the right to housing and forced evictions, protection from eviction, prohibition of all forms of discrimination in the housing sector, environmental planning and health in housing and human settlements.

Article 12 - The right to health

25. Please provide detailed information on measures undertaken to address the problem of illegal abortion as one of the major causes of maternal mortality in Jamaica.

26. Please discuss the extent to which Jamaican rural and urban communities participate in the planning, organization, operation and control of primary health care.

27. What is the incidence of HIV/AIDS in Jamaica? To what extent do persons living with HIV/AIDS suffer discrimination and how are they protected in law and in practice?

Articles 13 and 14 - The right to education

28. Please describe how government funds are allocated for the different levels of education.

29. What factors have contributed to the decline of the quality of public education over the past two decades?

30. Please discuss the measures taken to ensure access to education for the most vulnerable groups in Jamaican society, as provided for in the Covenant and outlined in the Committee's General Comment No. 13 on the right to education.

31. What progress has been made towards the full implementation of free and compulsory education throughout all of the 14 parishes in the State party?

Article 15 - The right to participate in cultural life and to benefit from scientific progress

32. Please provide information on legislation protecting the freedom of artistic creation and performance. To what extent are intellectual property rights protected in Jamaica?

33. Please describe the steps taken to encourage and develop international contacts and cooperation in the scientific and cultural field.